

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JAMES JIM OWENS,) NO. CV 08-7116-DMG (EX)
Plaintiff,)
v.) SETTLEMENT CONFERENCE
COUNTY OF LOS ANGELES, et al.,) ORDER
Defendants.)

)

PLEASE READ THIS ORDER CAREFULLY! The Honorable Dolly M. Gee,
United States District Judge, has referred this case for a settlement
conference. Magistrate Judge Charles F. Eick will act as a settlement
judge who will not be involved in the actual trial of the case and who
will assist in an objective appraisal and evaluation of the lawsuit.
The following are mandatory guidelines for the parties in preparing
for the settlement conference.

1. In addition to counsel who will try the case being present, a
person with full settlement authority must likewise be present for the
conference. This requirement contemplates the presence of your client

1 or, if a corporate or governmental entity, an authorized
2 representative of your client.^{1/} For a defendant, such representative
3 must have final settlement authority to commit the defendant to pay,
4 in the representative's discretion, a settlement amount recommended by
5 the settlement judge up to the plaintiff's prayer (excluding punitive
6 damage prayers in excess of \$100,000.00) or up to the plaintiff's last
7 demand, whichever is lower.^{2/} For a plaintiff, such representative
8 must have final authority, in the representative's discretion, to
9 authorize dismissal of the case with prejudice, or to accept a
10 settlement amount recommended by the settlement judge down to the
11 defendant's last offer. The purpose of this requirement is to have
12 representatives present who can settle the case during the course of
13 the conference without consulting a superior.

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15 2. If Board approval is required to authorize settlement,
16 attendance of the entire Board is requested. The attendance of at
17 least one sitting member of the Board (preferably the Chairman) is
18 absolutely required.

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21 ¹ However, if the United States or a federal agency is a
22 party, an Assistant U.S. Attorney may appear without a
representative. See Local Rule 16-14.5(b).

23 Additionally, the Court may grant any client or client
24 representative leave to be available by telephone rather than in
person, upon a particularized showing, made in advance of the
conference, that a personal appearance would involve significant
hardship.

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26 ² If the settlement amount would be paid by a
27 governmental entity, the representative of the defendant need not
have such final settlement authority, but shall have as much
settlement authority as would be practical to obtain before the
conference.

1 3. Counsel appearing without their clients (whether or not you
2 have been given settlement authority) will cause the conference to be
3 cancelled and rescheduled. The noncomplying party, attorney, or both,
4 may be assessed the costs and expenses incurred by other parties and
5 the court as a result of such cancellation, as well as any additional
6 sanctions deemed appropriate.

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8 4. Any insurance company that is a party or is contractually
9 required to defend or to pay damages, if any, assessed within its
10 policy limits in this case, must have a fully authorized settlement
11 representative present at the conference. Such representative must
12 have final settlement authority to commit the company to pay, in the
13 representative's discretion, an amount recommended by the settlement
14 judge within the policy limits. The purpose of this requirement is to
15 have an insurance representative present who can settle the
16 outstanding claim or claims during the course of the conference
17 without consulting a superior. An insurance representative authorized
18 to pay, in his or her discretion, up to the plaintiff's last demand
19 will also satisfy this requirement. Counsel of record will be
20 responsible for timely advising any involved non-party insurance
21 company of the requirements of this Order.

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23 5. The settlement judge may, in his discretion, converse with
24 the lawyers, the parties, the insurance representatives, or any one of
25 them outside of the hearing of the other.

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1 6. Prior to the settlement conference, the attorneys are
2 directed to discuss settlement with their respective clients and
3 insurance representatives, so the parameters of settlement have been
4 explored well in advance of the settlement conference.

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6 7. A settlement conference statement of each party must be
7 submitted directly to the chambers of the settlement judge (Room 342),
8 or, in the alternative, faxed directly to the chambers of the
9 settlement judge (213-894-3335), no later than 5:00 p.m. on **January 5,**
10 **2012**, setting forth the relevant positions of the parties concerning
11 the factual issues, issues of law, damages, and the settlement
12 negotiation history of the case, including a recitation of any
13 specific demands and offers that may have been conveyed. Damages must
14 be itemized fully. Copies of your settlement conference statements
15 need not be served upon opposing counsel. The settlement conference
16 statement may not exceed five (5) pages in length and will not be made
17 a part of the case file.

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19 8. The purpose of the settlement conference is to permit an
20 informal discussion between the attorneys, parties, non-party
21 indemnitors or insurers, and the settlement judge, of every aspect of
22 the lawsuit bearing on its settlement value.

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24 9. Neither the settlement conference statements nor
25 communications of any kind occurring during the settlement conference
26 can be used by any party with regard to any aspect of the litigation
27 or trial of the case.

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10. The settlement conference is set for Thursday, the 12th day of January, 2012, at 2:30 p.m., in Courtroom 20, United States Courthouse, 312 North Spring Street, Los Angeles, California.

DATED: December 29, 2011.

/S/
CHARLES F. EICK
UNITED STATES MAGISTRATE JUDGE